

#### Members

Rep. Vanessa Summers, Chairperson  
Rep. Michael Dvorak  
Rep. Cleo Duncan  
Rep. Brent Steele  
Sen. David Ford  
Sen. Richard Bray  
Sen. Anita Bowser  
Sen. Billie Breaux  
Karon Perkins  
Bruce Pennamp  
Cynthia Ayres  
Carol Bramham



## INDIANA CHILD CUSTODY AND SUPPORT ADVISORY COMMITTEE

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Committee

Authority: IC 33-2.1-10-1

### MEETING MINUTES<sup>1</sup>

Meeting Date: September 30, 2002  
Meeting Time: 10:00 A.M.  
Meeting Place: State House, 200 W. Washington  
St., 233  
Meeting City: Indianapolis, Indiana  
Meeting Number: 2

**Members Present:** Rep. Vanessa Summers, Chairperson; Rep. Cleo Duncan; Sen. David Ford; Sen. Richard Bray; Sen. Anita Bowser; Sen. Billie Breaux; Bruce Pennamp; Cynthia Ayres; Carol Bramham.

**Members Absent:** Rep. Michael Dvorak; Rep. Brent Steele; Karon Perkins.

#### **Call To Order**

Representative Summers called the meeting to order at 10:30 a.m.

#### **Indiana Child Support Guidelines**

Randall T. Shepard (Chief Justice of the Indiana Supreme Court) updated the committee on the activities of the Supreme Court as it relates to child support guidelines. Chief Justice Shepard stated that federal law requires review and revision of state child support

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<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

guidelines every four years. He explained that the domestic relations committee of the Indiana Judicial Conference is currently undertaking the review. He went on to explain that the committee is composed of judges whose daily responsibilities include hearing child support cases. The committee held a public hearing on July 15, 2002. Approximately fifteen to twenty people testified at the hearing.

The committee is considering adding language to the child support guidelines to address joint custody. The Chief Justice indicated that the guidelines as currently constituted do not adequately address this issue.

### **Parenting Time Guidelines**

The Chief Justice updated the committee on the parenting time guidelines. He stated that the guidelines were adopted one and a half years ago and that anecdotal evidence obtained by speaking with judges indicates that the guidelines have reduced litigation and time costs in domestic relations cases.

The Chief Justice also stated that a presentation will be made to the Commission on Courts next month regarding the expansion of mediation in domestic relations cases.

### **Indiana Supreme Court Pro Se Internet Project**

Anthony Zapata (Attorney with the Division of State Court Administration and Pro Se Project Director) gave a power point presentation on the Supreme Court's pro se web site. Mr. Zapata explained that the goal of the site is to provide basic information and forms for pro se litigants in domestic relations cases.

He explained that a recent poll of judges at the Indiana Judicial Conference indicated a high incidence of: (1) pro se litigants in domestic relations cases; (2) unpreparedness of pro se litigants; and (3) trial court judges having to elicit testimony from pro se litigants.

Senator Bray asked Mr. Zapata if clerks should be granted immunity from liability because they are frequently asked to help pro se litigants fill out forms. Mr. Zapata responded that the issue is currently being considered by the Indiana State Bar Association. A subcommittee has been convened to address the practice of law and the issue of clerks supplying legal information to a pro se litigant. Mr. Zapata explained that California has instituted a waiver requirement in which a pro se litigant signs a waiver that shields the clerk from liability.

Senator Ford asked if the county could simply employ a mediator to serve pro se litigants. He explained that mediators are often attorneys. Mr. Zapata stated that Senator Ford's suggestion was a viable option and would be explored as a solution to this problem.

At the close of Mr. Zapata's presentation Chief Justice Shepard distributed two handouts. The first is a copy of the Indiana judicial system's web page (Exhibit A) and the second provides addresses to domestic relations related web sites (Exhibit B).

### **Child Support Collections**

Scott Cooke (Assistant Chief Deputy Prosecutor of the Marion County Prosecutor's Office Child Support Division) gave a presentation on the Marion County Prosecutor's IV-D Division.

Mr. Cooke stated that the IV-D division has three primary goals. The first goal is to establish paternity. The second is to enforce child support orders for custodial parents and the third is to assist in the modification of child support orders.

Mr. Cooke noted that his office has between 80,000 and 100,000 open cases per year. Of those cases about 25,000 are litigated and about 3% result in incarceration. Mr. Cooke continued by saying that his office provides education, employment, and community service programs for child support obligors. He also acknowledged the effectiveness of mediation in resolving child support disputes.

Representative Summers asked what percentage of delinquent obligors are incarcerated. Mr. Cooke indicated that about 3% of cases result in incarceration. He noted that a prison sentence is usually limited to thirty days and the incarcerated party has the ability to post a bond that is applied to the delinquent child support. The posting of bond allows the incarcerated party to be released prior to original release date.

Senator Ford asked if the IV-D program was open to all custodial parents seeking enforcement of a child support order. Mr. Cooke indicated that the program is available to all custodial parents seeking enforcement of a child support order upon payment of a twenty-five dollar fee.

Senator Breaux asked what percentage of non-custodial parents live outside of Indiana. Mr. Cooke estimated that fifteen to twenty percent of non-custodial parents do not reside in Indiana. He noted that enforcement of a child support order in such a case largely depends on cooperation with the state in which the non-custodial parent resides.

Senator Bray asked about the filing of criminal charges in non-support cases. Mr. Cooke indicated that the IV-D office screens cases for filing of criminal charges but that the criminal division litigates those cases.

Senator Bray followed up by asking how many criminal charges are filed for non-support. Mr. Cooke stated that roughly fifteen to twenty a year are filed. He explained that civil enforcement is typically a more efficient way to collect a child support arrearage.

### **Arbitration**

Bruce Pennamp asked permission to give a presentation on binding arbitration in domestic relations cases at the next committee meeting. The committee consented to the presentation.

### **Equal Rights for Children**

Marge Hefner gave a presentation to the committee on equal rights for children in domestic relations cases. Ms. Hefner provided two handouts to the committee. The first is entitled Equal Rights for Kids (Exhibit C) and the second is entitled Interfering with Visitation Rights is Seriously Wrong (Exhibit D).

### **Adjournment**

Representative Summers adjourned the meeting at 11:10 a.m. The next committee meeting is October 23, 2002 at 10:00 a.m.